

## EXHIBIT S

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*Attorney for Plaintiff/Counterdefendant*  
*Labor Smart, Inc. and Third-Party Defendants*

**IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF ARIZONA**

LABOR SMART, INC.

Plaintiff,

vs.

JASON AND MELISSA TUCKER.

Defendants.

And related Counterclaims  
and Third-Party Claims.

Case No: 2:22-cv-00357-PHX-DJH

**DECLARATION OF DANNY DAY**

(Before the Hon. D. Humetewa)

I, Danny Day, declare as follows:

1. I am the founder and principal owner of H2ForLife. Since 2013, H2ForLife has been producing hydrogen rich Springwater.

2. H2ForLife is a company that makes a health and wellness spring water that promotes overall wellness by rejuvenating the body's cells and enhancing their functions.

3. H2ForLife manufactured and canned a hydrogen water product for Takeover Industries, Inc. (the "Takeover H Water"). The Takeover H Water ingredients were spring water, colloidal platinum, colloidal gold, colloidal zinc and colloidal copper. There was only one Takeover H Water flavor sold.

4. The formula for the Takeover H Water is a H2ForLife trade secret. Only H2ForLife knows the formula. The formula describes the amount of each ingredient in the Takeover H Water. I never shared the H2ForLife formula with Takeover.

5. The process to make the Takeover H Water is a H2ForLife trade secret. Only

1 H2ForLife knows the process. The process describes the manufacturing method, including  
2 temperature, the length of the process, mixing of the ingredients and the amount of  
3 hydrogen added and in what form. I never shared the H2ForLife process with Takeover.

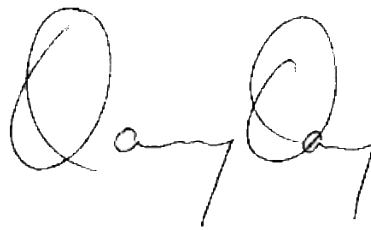
4 6. Beginning in approximately June 2023, H2ForLife began manufacturing and  
5 canning a hydrogen water product for Next Gen Beverages (the "NGB H Water"). The  
6 NGB H Water ingredients are spring water and colloidal minerals (platinum, gold, copper  
7 and zinc). These are the same colloidal minerals that were contained in the Takeover H  
8 Water.

9 7. The formula and process to manufacture the NGB H Water, both of which  
10 are owned by H2ForLife, is different from the formula and process to manufacture the  
11 Takeover H Water. There is more hydrogen in the NGB H Water (as opposed to the  
12 hydrogen in the Takeover H Water). The Takeover H Water and the NGB H Water are  
13 different products, with different formulas and processes.

14 8. H2ForLife did not manufacture a nootropic beverage drink for Takeover.

15 Dated this 3rd day of January, 2026.

16 **DANNY DAY**

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21 By: /s/ Danny Day